



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/658,142

09/09/2003

Ed H. Frank

14184US02

5401

23446 7590 05/27/2010
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

PARK, JUNG H

ART UNIT

PAPER NUMBER

2465

MAIL DATE

DELIVERY MODE

05/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,142	Applicant(s) FRANK, ED H.	
	Examiner JUNG PARK	Art Unit 2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remark

1. The final rejection Office Action filed on 08/25/10 has been withdrawn and a new ground of rejection has been applied with new references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-7, 9, 11-17, 19, 21-27, 29, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitehill et al. (US 7,042,867, "Whitehill").

Regarding claim 1, Whitehill discloses a method for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- identifying a location of a network device (determining the geographic location of user nodes, see col.3, lns.29-43) within the hybrid wired/wireless network (fig.1), the network device being movable within the hybrid wired/wireless network (mobile nodes, see 103 & 102 fig.1);
- determining, outside of the network device, configuration information for the network device (determining configuration information for the mobile node at Access Point or AAA server, see fig.7), the configuration information corresponding to the determined location of the network device (the configuration information is related with the location of the mobile node, see fig.7); and

Art Unit: 2465

- communicating the determined configuration information to the network device for providing location based configuration of the network device (messages sent to the mobile node, see fig.7).

Regarding claim 2, Whitehill discloses, “the network device is selected from the group consisting of an access device, an access point, and a switching device (col.5, Ins.16-27).”

Regarding claim 3, Whitehill discloses, “discovering configuration information from at least one of a database, and a memory associated with at least one of the access point and the switching device (col.5, Ins.28-51 and fig.7).”

Regarding claim 4, Whitehill discloses, “the discovering further comprises scanning the database and the memory by the access device, access point and switching device to discover the configuration information (col.5, Ins.28-51 and fig.7).”

Regarding claim 5, Whitehill discloses, “the determining further comprises scanning at least one RF channel by at least one of the access point and the access device to discover the configuration information (fig.1-2, col.4, Ins.42-43; further see col.1, In.38).”

Regarding claim 6, Whitehill discloses, “the RF channel is at least one of a broadcast channel and a setup channel (neighbor discovery, see fig.7).”

Art Unit: 2465

Regarding claim 7, Whitehill discloses, “updating the network device with the communicated configuration information (maintaining geographic location, see col.5, Ins.45-51).”

Regarding claim 9, Whitehill discloses, “the determined information is at least one of bandwidth etiquette and sharing rules, channel availability, preferred channel, and available communication protocols (initial access and authorization complete, i.e., channel/connection available and authorization protocol is setup, see fig.7 and col.7, Ins.47-55).”

Regarding claim 11, it is a claim corresponding to claim 1, except the limitation of “a computer-readable medium (fig.2)” and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-17 and 19, they are claims corresponding to claims 2-7 and 9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 21, it is a system claim corresponding to claim 1, except the limitation of “an identifier, a determinator (inherent to have an identifier and a determinator for identifying and determining functions as rejected in claim 1), and a communicator (fig.2) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Art Unit: 2465

Regarding claims 22-27 and 29, they are claims corresponding to claims 2-7 and 9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Whitehill discloses, "at least one querying agent for querying a network device for location information (col.5, Ins.37-50)."

Regarding claim 32, Whitehill discloses, "at least one informing agent for informing at least one of the access point, access device and switching device of at least one network parameter related to location based configuration (fig.7; location as a parameter, see abstract)."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehill in view of White (US 7,433,691, "White").

Regarding claims 8, 18, and 28, Whitehill discloses the maintaining the geographic location of the mobile node, but does not explicitly disclose, "dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed."

Art Unit: 2465

However, White discloses “dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed (col.6, Ins.5-28).”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of dynamically updating the network device as taught by White into the system of Whitehill, so that it provides a way of approximating the speed of the destination node (White, see col.6, Ins.5-10).

6. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehill in view of Augart (US 7,200,673, “Augart”).

Regarding claims 10, 20, 30, Whitehill discloses, “triangulating locations of network routing devices named in the received routing information to determine the location of the network device (col.5, Ins.45-51)”, but Whitehill is silent on “sending a ping message to at least one network routing device; receiving routing information associated with the ping message.”

However, Augart discloses “sending a ping message (a probe packet, see 150 fig.2 and col.4, ln.56-67) to at least one network routing device; receiving routing information associated with the ping message (TTL values, see col.4, ln.56-67).”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the probe packet taught by Augart into the hybrid network of Whitehill in order to determine the maximum additional number of hops using Time-To-Live (TTL) field within the probe packet for routing purpose (Augart, see col.4, ln.56-67).

Art Unit: 2465

Response to Arguments

7. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Park/

Examiner, Art Unit 2465